

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	Case No.: 4:09-CR-572-HEA
)	
ANTOINE S. REED,)	
)	
Defendant.)	

SECOND MOTION TO CONTINUE SENTENCING HEARING

COMES NOW, Defendant Antoine S. Reed, by and through his attorneys, and moves this Court for another continuance of the sentencing hearing in the above-captioned case. In support of said motion, Defendant states as follows:

1. The sentencing hearing in this matter is currently scheduled for October 8, 2010, at 10:30 a.m.
2. The undersigned respectfully requests another continuance of the sentencing hearing currently scheduled for October 8, 2010, to give the undersigned an opportunity to determine whether the new emergency guidelines to be promulgated by the Commission will have any effect on the Defendant's advisory guideline range. A few months ago Congress lowered the mandatory minimums for crack offenses. As part of that amendment, Congress instructed the Commission to promulgate emergency guidelines to reflect the new, lower mandatory minimums. Congress directed the Commission to promulgate these guidelines no later than November 1, 2010. Under well-established sentencing law, the advisory guidelines applicable to the Defendant are those in effect at the time of Defendant's sentencing. To date, the undersigned is unsure whether these emergency guidelines will affect the Defendant's case, but, there exists the distinct

possibility that the emergency guidelines might result in a lower advisory guidelines range for the Defendant.

3. In further support of the requested continuance, the undersigned has not been able to complete the sentencing memorandum in this matter. The undersigned intends to ask for a non-guidelines sentence and had planned to file a substantive sentencing memorandum in support of such a sentence. However, the press of business has prevented the undersigned from doing so. For example, all last week the undersigned was preparing pleadings and paperwork for an emergency temporary restraining order and preliminary injunction against St. Louis University. Unfortunately, the case was never filed due to the client's last minute change-of- mind, but nevertheless, the undersigned was required to put everything on hold to get the necessary paperwork ready to be filed.

4. In light of the above, the undersigned respectfully requests a continuance of the sentencing hearing from its currently scheduled date to another date and time convenient to the Court's schedule, but for at least a period of 30 days so that the undersigned will have an opportunity to complete the sentencing memorandum and determine whether the new emergency guidelines will have any effect on the Defendant's advisory guideline range.

5. The undersigned did not have an opportunity to consult with Assistant United States Attorney, Michael Bert prior to the filing of this motion. As such, the undersigned is unaware of the Government's position regarding the requested continuance.

WHEREFORE, Defendant respectfully requests that the Court continue the sentencing hearing in the above matter from its originally scheduled date of October 8, 2010, and set a new sentencing hearing for another date and time convenient to the Court's schedule, and for such

other and further relief that the Court deems just and proper.

Dated: October 4, 2010.

Respectfully submitted,

ROSENBLUM, SCHWARTZ, ROGERS
& GLASS, PC

By: /s/ Gilbert C. Sison
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Attorney for Defendant, Antoine S. Reed

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CERTIFICATE OF SERVICE

I hereby certify that on October 4, 2010, the foregoing was electronically filed with the Clerk of the Court to be served by operation of the Court's electronic filing system upon Mr. Michael Bert, Assistant United States Attorney.

Second Motion to Continue Sentencing Hearing

ROSENBLUM, SCHWARTZ, ROGERS
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